

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GERALD RIVIELLO, JR., and
DONALD LOUIS MARVIN,

Plaintiffs,

vs.

FNB BANK, N.A., FULTON BANK, and
FULTON FINANCIAL CORPORATION,

Defendants.

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CASE NO:

3:2011-cv-02081

OFFER OF JUDGMENT

TO:

Vicki Piontek, Esquire
Piontek Law Office.
951 Allentown Road
Lansdale, PA 19446


Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants FNB Bank, N.A., Fulton Bank, National Association (“incorrectly named as “Fulton Bank”) and Fulton Financial Corporation, hereby offer to allow Judgment to be entered against them in this action in the amount of \$2,006.00, which includes the maximum statutory damages of \$1,000.00 and \$3.00 actual damages for each of the two plaintiffs. In addition to these amounts, they offer to have Judgment entered against them for costs, which includes costs of suit and

reasonable attorney's fees¹ as demonstrated and established under 15 USCS § 1693m.

This offer of judgment is made for the purposes specified in Federal Rule of Civil Procedure 68, and is not to be construed as either an admission that Defendants are liable in this action, or that the Plaintiffs, Gerald Riviello, Jr. and Donald Louis Marvin, have suffered any damage. Defendants expressly deny any liability or wrongdoing.

Defendants further denies that any judgment entered as a result of this Offer of Judgment has any preclusive effect in any litigation other than this case.

McCORMICK LAW FIRM

By: 
J. David Smith
PA 27813
Attorney for Defendants

835 West Fourth Street
Williamsport, PA 17701
(570) 326-5131
(570) 601-0248 (fax)
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¹ Defendant reserves the right to challenge these fees and costs should Plaintiff accept this Offer of Judgment and petition the Court for same.

CERIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing was served by United States first class mail, postage prepaid, this 9th day of November, 2011, to the following:

Vicki Piontek, Esquire
Piontek Law Office.
951 Allentown Road
Lansdale, PA 19446

McCORMICK LAW FIRM

By: 